

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HACER DINLER, et al.,

Plaintiffs,

04 Civ 7921 (RJS)(JCF)

-against-

CITY OF NEW YORK, et al.,

Defendants.

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RNC CONSOLIDATED CASES¹,

DECLARATION OF
GERALD S. SMITH

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GERALD S. SMITH, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. §1746 that the following is true and correct:

¹ This Declaration is submitted in support of Defendants' Motion For Summary Judgment dismissing the false arrest claims in the following cases: *Adams v. City of NY* 05 CV 9484; *Bastidas v. City of NY* 05 CV 7670; *Bell v. City of NY* 05 CV 3705; *Concepcion v. City of New York* 05 CV 8501; *Crotty v. City of NY* 05 CV 7577; *Dinler v. City of NY* 04 CV 7921; *Dudek v. City of NY* 04 CV 10178; *Grosso v. City of New York* 05 CV 5080; *Kennedy v. City of NY* 07 CV 7678; *Macnamara v. City of New York* 04 CV 9216; *Moran v. City of New York* 05 CV 1571; *Rigby v. City of New York* 07 CV 7751; *Stark v. City of New York* 05 CV 7579; *Starin v. City of New York* 05 CV 5152; *Tikkun v. City of New York* 05 CV 9901.

1. I am a Senior Counsel in the office of MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, attorney for Defendants.

2. I am familiar with the facts and circumstances stated herein based upon personal knowledge, the books and records of the City of New York, and conversations with its agents and employees.

3. I submit this declaration in support of Defendants' Opposition to Plaintiffs' Motions For Partial Summary Judgment in the cases referenced in Footnote 1.

4. The following exhibits, cited in support of Defendants' Motion For Summary Judgment, are attached hereto²:

- Annexed hereto as **Exhibits A and B** are true and accurate copies of excerpts from the depositions of Derrick Baity.
- Annexed hereto as **Exhibit C** are true and correct copies of excerpts from the deposition of Betty Bastidas.
- Annexed hereto as **Exhibit D** are true and correct copies of excerpts from the deposition of Scott Beiben.
- Annexed hereto as **Exhibit E** are true and accurate copies of excerpts from the deposition of Cathie Bell.
- Annexed hereto as **Exhibit F** are true and accurate copies of excerpts from the deposition of Dominick Bizzaro.

¹ Pursuant to the Court's Order dated Sept. 30, 2011 and the Court's instruction to limit exhibits to 100 and no more than 30 pages per exhibit across all 3 motions, attached hereto are selected excerpts from the documents cited in support of Defendants' 56.1 Statement of Undisputed Facts.

- Annexed hereto as **Exhibit G** are true and accurate copies of excerpts from the deposition of Michael Bonacci.
- Annexed hereto as **Exhibit H** are true and accurate copies of excerpts from the deposition of Khamwatee Brijbukhan.
- Annexed hereto as **Exhibit I** are true and accurate copies of excerpts from the deposition of Lauren Caspar as well as Caspar's DAT Investigation Worksheet.
- Annexed hereto as **Exhibit J** are true and accurate copies of excerpts from the deposition and 50(h) examination of Sonia Chandra.
- Annexed hereto as **Exhibit K** are true and accurate copies of excerpts from the deposition of Robert Chico.
- Annexed hereto as **Exhibits L** are true and accurate copies of excerpts from the deposition of Ian Clifford.
- Annexed hereto as **Exhibit M** are true and accurate copies of excerpts and exhibits from the deposition of Jody Concepcion.
- Annexed hereto as **Exhibit N** are true and accurate copies of excerpts from the deposition of John Connolly.
- Annexed hereto as **Exhibit O** are true and accurate copies of excerpts from the deposition of Patrick Cortright.
- Annexed hereto as **Exhibit P** are true and accurate copies of excerpts from the 50(h) examination of Emilia Crotty.
- Annexed hereto as **Exhibit Q** are true and accurate copies of excerpts from the 50(h) examination of Matthew DelGaudio.

- Annexed hereto as **Exhibits R** are true and accurate copies of excerpts from the deposition of Gerald Dieckmann.
- Annexed hereto as **Exhibit S** are true and accurate copies of excerpts from the deposition of Hacer Dinler.
- Annexed hereto as **Exhibit T** are true and accurate copies of excerpts from the deposition of Carol Dudek.
- Annexed hereto as **Exhibit U** are true and accurate copies of excerpts from the deposition of Jorge Encarnacion.
- Annexed hereto as **Exhibits V, W, and X** are true and accurate copies of excerpts from the deposition of James Essig.
- Annexed hereto as **Exhibit Y** are true and accurate copies of excerpts from the deposition of Edward Fackler.
- Annexed hereto as **Exhibit Z** are true and accurate copies of excerpts from the deposition of Alexis Fernandez.
- Annexed hereto as **Exhibit AA** are true and accurate copies of t copies of excerpts from the deposition of Gregory Fontaine.
- Annexed hereto as **Exhibit BB** are true and accurate copies of copies of excerpts from the deposition of James Franzo.
- Annexed hereto as **Exhibit CC** are true and accurate copies of copies of excerpts from the deposition of Lucille Fredricks.
- Annexed hereto as **Exhibit DD** are true and accurate copies of copies of excerpts from the deposition of Emily Friedman.

- Annexed hereto as **Exhibit EE** are true and accurate copies of copies of excerpts from the deposition of David Geocos.
- Annexed hereto as **Exhibit FF** are true and accurate copies of copies of excerpts from the deposition of Nicholas Gravino.
- Annexed hereto as **Exhibit GG** are true and accurate copies of copies of excerpts from the 50(h) examination of Amanda Grimshaw.
- Annexed hereto as **Exhibit HH** are true and accurate copies of copies of excerpts as well as exhibits from the deposition of Kevin Hayes.
- Annexed hereto as **Exhibit II** are true and accurate copies of copies of excerpts from the deposition of Anthony Johnson.
- Annexed hereto as **Exhibit JJ** are true and accurate copies of copies of excerpts from the deposition of Matthew Loftus.
- Annexed hereto as **Exhibit KK** are true and accurate copies of copies of excerpts from the deposition of Kathleen Long.
- Annexed hereto as **Exhibit LL** are true and accurate copies of copies of excerpts from the deposition of Deepa Majmudar.
- Annexed hereto as **Exhibit MM** are true and accurate copies of copies of excerpts from the deposition and 50(h) examination of Celine Malanum.
- Annexed hereto as **Exhibit NN** are true and accurate copies of copies of excerpts from the deposition of Ruby Marin-Jordan.
- Annexed hereto as **Exhibit OO** are true and accurate copies of copies of excerpts from the deposition of Gregory Markowski.

- Annexed hereto as **Exhibit PP** are true and accurate copies of copies of excerpts from the deposition of Terrence Monahan.
- Annexed hereto as **Exhibit QQ** are true and accurate copies of copies of excerpts from the deposition of Sarah Palmer.
- Annexed hereto as **Exhibit RR** are true and accurate copies of copies of excerpts from the deposition of the trial transcript of Jose Perez.
- Annexed hereto as **Exhibit SS** are true and accurate copies of copies of excerpts from the deposition of John Pribtech.
- Annexed hereto as **Exhibit TT** are true and accurate copies of copies of excerpts from the deposition of Patrick Quimby.
- Annexed hereto as **Exhibit UU** are true and accurate copies of copies of excerpts from the deposition of Tyrone Riggan.
- Annexed hereto as **Exhibit VV** are true and accurate copies of copies of excerpts from the deposition of Robert Rivera.
- Annexed hereto as **Exhibit WW** are true and accurate copies of copies of excerpts and exhibits from the deposition of Noel Rodriguez.
- Annexed hereto as **Exhibit XX** are true and accurate copies of copies of excerpts from the deposition of Gregory Ross.
- Annexed hereto as **Exhibit YY** are true and accurate copies of copies of excerpts from the deposition of Kevin Sam.
- Annexed hereto as **Exhibit ZZ** are true and correct copies of excerpts and exhibits from the deposition of Daniel Sarrubo.

- Annexed hereto as **AAA** are true and accurate copies of copies of excerpts from the deposition of Raphael Sperry.
- Annexed hereto as **Exhibit BBB** are true and accurate copies of copies of excerpts from the deposition of Elizabeth Starin.
- Annexed hereto as **Exhibit CCC** are true and accurate copies of copies of excerpts from the deposition of Elvis Suero.
- Annexed hereto as **Exhibit DDD** are true and accurate copies of copies of excerpts from the deposition of Kaitlyn Tikkun.
- Annexed hereto as **Exhibit EEE** are true and accurate copies of copies of excerpts from the deposition of William Tracey.
- Annexed hereto as **Exhibit FFF** are true and accurate copies of copies of excerpts and exhibits from the deposition of Jerel Walden.
- Annexed hereto as **Exhibit GGG** are true and accurate copies of copies of excerpts from the deposition and 50(h) examination of Danielle Walsh.
- Annexed hereto as **Exhibit HHH** are true and accurate copies of copies of excerpts from the deposition of Ashley Waters.

Dated: New York, New York
November 3, 2011


GERALD S. SMITH